

SENATE BILL 855
By Harper

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 26, Part 1; Title 4, Chapter 3, Part 23; Title 12, Chapter 3, Part 8; Title 12, Chapter 4, Part 1; Title 13, Chapter 29, Part 1; Title 54, Chapter 1, Part 1; Title 54, Chapter 5, Part 11; Title 65, Chapter 5, Part 1 and Title 67, Chapter 3, Part 9, relative to small disadvantaged business enterprises.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-2305, is amended by adding the following language as a new, appropriately designated subsection:

(d) Notwithstanding any provision of any law to the contrary, during the period in which a minority owned business enterprise is listed by the small business administration business development program as a "certified small disadvantaged business" pursuant to Title 13, Chapter I, Part 124, Subpart 8(A) of the Code of Federal Regulations, neither the Tennessee department of transportation nor any other state entity shall require the business enterprise to secure additional certification in order to participate in any state initiative or program implemented pursuant to this section.

SECTION 2. Tennessee Code Annotated, Section 4-3-2305(b), is amended by deleting the language "§ 67-3-2004" and by substituting instead the following:

§ 67-3-904

SECTION 3. Tennessee Code Annotated, Section 4-26-104, is amended by designating the current language as subsection "(a)" and by adding the following new language, to be designated as subsection "(b)":

(b) Notwithstanding any provision of any law to the contrary, during the period in which a minority owned business enterprise is listed by the small business

administration business development program as a "certified small disadvantaged business" pursuant to Title 13, Chapter I, Part 124, Subpart 8(A) of the Code of Federal Regulations, neither the Tennessee department of economic and community development nor any other state entity shall require the business enterprise to secure additional certification in order to participate in any state initiative or program implemented pursuant to this part.

SECTION 4. Tennessee Code Annotated, Section 12-3-803, is amended by adding the following language as a new, appropriately designated subsection:

(f) Notwithstanding any provision of this section or other law to the contrary, during the period in which a minority owned business enterprise is; listed by the small business administration business development program as a "certified small disadvantaged business" pursuant to Title 13, Chapter I, Part 124, Subpart 8(A) of the Code of Federal Regulations, neither the Tennessee department of general services nor any other state entity shall require the business enterprise to secure additional certification in order to participate in any state initiative or program implemented pursuant to this part.

SECTION 5. Tennessee Code Annotated, Section 13-29-103, is amended by designating the current language as subsection "(a)" and by adding the following new language, to be designated as subsection "(b)":

(b) Notwithstanding any provision of this part or other law to the contrary, during the period in which a business enterprise is listed by the small business administration small business development program as a "certified small disadvantaged business" pursuant to Title 13, Chapter I, Part 124, Subpart 8(A) of the Code of Federal Regulations, the business enterprise shall not be required to secure additional

certification in order to participate in any state initiative or program implemented specifically to support and encourage minority owned businesses in Tennessee.

SECTION 6. Tennessee Code Annotated, Section 54-1-124, is amended by adding the following language as a new, appropriately designated subsection:

(e) Notwithstanding any provision of this section or other law to the contrary, during the period in which a minority owned business enterprise is listed by the small business administration business development program as a "certified small disadvantaged business" pursuant to Title 13, Chapter I, Part 124, Subpart 8(A) of the Code of Federal Regulations, neither the Tennessee department of transportation nor any other state entity shall require the business enterprise to secure additional certification in order to participate in any state initiative or program implemented pursuant to this section.

SECTION 7. Tennessee Code Annotated, Section 54-5-1105(b), is amended by adding the following language to the end of the subsection:

Notwithstanding any provision of any law to the contrary, during the period in which a minority owned business enterprise is listed by the small business administration business development program as a "certified small disadvantaged business" pursuant to Title 13, Chapter I, Part 124, Subpart 8(A) of the Code of Federal Regulations, neither the Tennessee department of transportation nor any other state entity shall require the business enterprise to secure additional certification in order to participate in any state initiative or program implemented pursuant to this subsection.

SECTION 8. Tennessee Code Annotated, Section 67-3-904, is amended by adding the following language as a new, appropriately designated subsection:

(c) Notwithstanding any provision of any law to the contrary, during the period in which a minority owned business enterprise is listed by the small business

administration business development program as a "certified small disadvantaged business" pursuant to Title 13, Chapter I, Part 124, Subpart 8(A) of the Code of Federal Regulations, the business enterprise shall not be required to secure additional certification in order to participate in any state or local initiative or program implemented Title 13, Chapter I, Part 124, Subpart 8(A) of the Code of Federal Regulations this section.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall take effect July 1, 2005, the public welfare requiring it.